

U.S. Application No.
10/070870

International Application No.
PCT/AU00/01052

Attorney Docket No.
DUMME18.001APC

DT77P PCT/PTO 14 NOV 2002 #4

Date: November 6, 2002

Page 1



I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

11-7-02

(Date)

James W. Ausley, Reg. No. 49,076

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 USC 371

International Application No.: PCT/AU00/01052
International Filing Date: 09-04-00
Priority Date Claimed: Australian App. No. PQ2615 filed 09-02-99
International App. No. PCT/AU00/01044 filed 09-01-00
Title of Invention: DISPENSING SACHET BY BENDING AND METHOD OF SACHET MANUFACTURE
Applicant(s) for DO/EO/US: Colin Henry Hamilton
Peter Charles Wilson
William Louis Pittelkow

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- (X) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated May 07, 2002.
- (X) An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- (X) A power of attorney and copy of Assignment.

Date: November 6, 2002

Page 2

(X) An extension of time to respond for 4 months is hereby requested.

Time Extension Fee:

- ☐ one month (\$55 small entity)
- ☐ two months (\$200 small entity)
- ☐ three months (\$460 small entity)
- ☒ four months (\$720 small entity)

(X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

(X) Declaration by Rod Fallon Managing Director of Snap Pak Industries (Aust) Pty., Ltd.
with 2 attachments.

(X) A return prepaid postcard.

(X) The fee of \$65 for submission of the Declaration after 30 months from the priority under
37 C.F.R. 1.492(e).

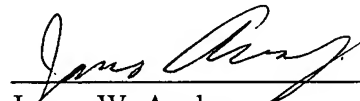
(X) The Commissioner is hereby authorized to charge any additional fees which may be
required, or credit any overpayment to Deposit Account No. 11-1410.

11/20/2002 MKAYPAGH 00000065 10070870

01 FC:2254
02 FC:2617

720.00 OP
65.00 OP

By:



James W. Ausley

Registration No. 49,076

(909) 781-9231

(2) Peter Charles WILSON
a citizen, residing at Suite 803, Level 8, Barrack House, 16-20 Barrack Street,
Sydney NSW 2000, AUSTRALIA

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This _____ day of _____, 20____

Signature of Colin Henry HAMILTON

This 30 day of July, 2002

Signature of Peter Charles WILSON

This 31 day of July, 2002

Signature of William Louis PITTELKOW

Witnessed by:

Haller

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid or to be paid to **Colin Henry Hamilton** of Unit 14, 250 Milperra Road, Milperra, in the State of New South Wales, (hereinafter designated as the "Assignor") Assignor hereby sells and assigns to **SNAP PAK INDUSTRIES (Aust) Pty Ltd** of Unit 14, 250 Milperra Road, Milperra, (hereinafter designated as the Assignee) their entire right, title and interest for the invention entitled "**Sachet & Method of Manufacture Therefor**".

The Assignor agrees to execute all papers necessary in connection with any application and any continuation, divisional or reissue applications thereof and also to execute separate assignments in connection with such applications in Australia and elsewhere as the assignee may deem necessary or expedient.

The Assignor agrees to execute all papers necessary in connection with any interference which may be declared concerning any applications in countries other than Australia or continuations, divisions or reissues thereof and to co-operate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The Assignor agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The Assignor agrees to perform all affirmative acts which may be necessary to obtain grants of valid patents to the Assignee.

The Assignor hereby authorises and requests the Commissioners of Patents to issue any and all Letters Patent in Australia and/or other countries resulting from said applications or any division or divisions or continuing or reissue applications

thereof to the said Assignee, as Assignee of their entire interest, and hereby covenant that they have full right to convey the entire interest herein assigned, and that they have not executed, and will not execute, any agreement in conflict herewith.

In witness hereof, executed by the Assignor and Assignee on the below mentioned date.

DATED this 7th day of Nov 2000

SIGNED by the said ASSIGNOR
Colin Henry Hamilton
 in the presence of:

(Witness)

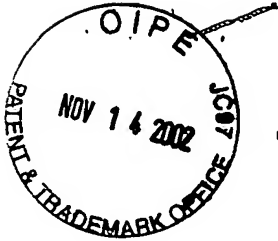
SIGNED for and on behalf of
Snap Pak Industries (Aust) Pty Ltd
 by:
 having been duly authorised in
 in the presence of:

(Witness)

61 2 92996343

MALWYN

COLLECTION AND CREDIT CONSULTANTS THROUGHOUT AUSTRALIA

Address all Mail to: P.O. BOX 78, KOGARAH 1485 DX 11115 KOGARAH. TEL: (02) 9588 4311.
email: malwyn@malwyn.com.au17th November 2000The Paymaster
Snap Pak Industries (Aust) Pty Ltd
14/250 Milperra Road
MILPERRA NSW 2214*Handwritten notes:*
Kerkythine cash
OK Harrison
BOLISH OK

Dear Sir/Madam,

**RE: ST GEORGE BANK LIMITED PROCESS SERVICE ACCOUNT
v-COLIN HENRY HAMILTON**

We enclose a Garnishee Order against the above mentioned and would request that you make the necessary deductions from his wages.

We would respectfully draw your attention to your obligations under this order whereas it is necessary for your organisation to deduct all monies earned in excess of \$227.68.

The first deduction is from the current pay period.

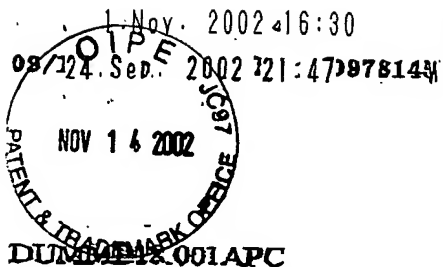
Please remit these deductions directly to St George Bank Limited, 4-16.Montgomery Street KOGARAH. Failure to comply with this order as outlined can result in a Garnishee Summons being issued against your company for the Total Judgment Debt.

Should you have any queries, please do not hesitate to contact this office.

Yours faithfully,
MALWYN PTY LIMITED*N. Harrison*ENQ
Kylie Hodgson

9852 3274

9558-5134



Nov. 2002 416:30

Washington - Dummer ▲

: 61 2 No. 43143 P. 3 # 2/ 5

61 2 92996343

No. 3737 P. 204/005

9097814507

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hamilton, et al.) Group Art Unit
Appl. No. : 10/070870)
Filed : March 04, 2002)
For : DISPENSING SACHET BY)
BENDING AND METHOD OF)
SACHET MANUFACTURE)
Examiner : Unknown

DECLARATION

I Rod Fallon hereby declare as follows:

- 1.) I am employed by Snap Pack Industries Inc., and my title is MANAGING DIRECTOR. In the course of my job duties, I have been responsible for obtaining documents for signatures for the above captioned U.S. patent application and related foreign applications. I am familiar with Mr. Colin Hamilton's involvement with the development of the above-captioned application, his leaving of employment at Snap Pack Industries and our subsequent efforts to contact him.
- 2.) Mr. Hamilton resigned from employment with the Assignee of this application, Snap Pak Industries (Aust) Pty., Ltd., in November, 2000.
- 3.) Prior to leaving, Mr. Hamilton executed an assignment assigning the rights to the invention, including the U.S. patent rights, to Snap-Pack Industries. A copy of this assignment is attached hereto as Attachment A. In the assignment, Mr. Hamilton agreed to sign any necessary documents and perform any acts for Snap-Pack Industries to obtain patents in Australia and elsewhere including the United States. Since November of 2000, we have had sparse communication with Mr. Hamilton and presently have no known way of locating him. We have made diligent efforts to find Mr. Hamilton to obtain his signature on the declaration of inventorship for the above-referenced patent application to no avail. For example, I recently

-1-

Received Time 19.Sep. 10:08

Print Time 19.Sep 10:09

Appl. No. : 10/070870
Filed : March 04, 2002

attempted to call a private phone number at a residence he was renting following his resignation, but was informed that he had moved over twelve months previously with no forwarding address. I also attempted to call a mobile phone with similar results and the number has now been allocated to another user. I have also checked phone records throughout Australia via Internet searches and telephone directories without locating Mr. Hamilton.

4.) I have further been contacted by a private detective and several debt collectors during the past twenty-one months who were also seeking Mr. Hamilton's whereabouts due to numerous unpaid accounts for rent, credit cards, and each caller has expressed frustration in their own failed attempts to locate him. Based upon my efforts to locate Mr. Hamilton and the efforts of officers I have spoken to I do not believe that Mr. Hamilton can be found to sign the documents despite the diligent efforts to do so.

5.) I believe that Mr. Hamilton is obligated to sign the declaration of inventorship based upon the contents of the assignment of Attachment A. I also believe that I have made a diligent effort to locate Mr. Hamilton and have verified that he is not at his last known address and cannot be located in Australia.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

Dated:

25th September 2002

By:



Rod Fallon

Snap Pak Industries (Aust) Pty., Ltd.

R:\DOCS\JWA\WA-3798.DOC\2002

-2-

Received Time 19 Sep 10:18

Print Time 19 Sep 10:19

Received 31-10-2002 10:28pm

From-61 2 9638 4793

To-KNOBBE MARTENS OLSON

Page 004

61 2 92996343

10a Elouera Road
Gronulla
NSW 2230

2nd November 2000

Snap Pak Industries (Aust) Pty Ltd
Suite 803 Level 8
16-20 Barrack Street
Sydney NSW 2000

To the Company Secretary
Snap Pak Industries (Aust) Pty Ltd

Due to a series of health problems and ongoing financial difficulties I hereby give notice that my allotment of shares totaling 85,000 are available for sale at a discounted rate.

Upon finalisation of this matter I will formally resign my position as Director of Snap Pak Industries (Aust) Pty Ltd and assign all my rights to the patent, No: APPA PQ2615, to the company.

Yours sincerely



Colin Hamilton